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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,628	02/10/2004	June-Do Kim	P56926	9791

7590 06/05/2006
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EXAMINER

JACKSON, BLANE J

ART UNIT PAPER NUMBER

2618

DATE MAILED: 06/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/774,628

Applicant(s)

KIM, JUNE-DO

Examiner

Blane J. Jackson

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7-23 is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☒ Claim(s) 6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

The title of the invention is not descriptive. Specifically, "wire/wireless telephone" is indefinite as to meaning a landline phone, a cellular phone, a cordless phone or a combination of such. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Objections

Claims 1, 7, 13, 17, 18 and 20 are objected to because of the following informalities: Specifically, "wire/wireless telephone" is indefinite as to meaning a landline phone, a cellular phone, a cordless phone or a combination of such. The examiner interpreted the "portable device" of each claim preamble to mean a wireless telephone. Clarification is suggested.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Cannon et al. (US 2001/0029187).

As to claim 1, Cannon teaches an apparatus for processing a calling tone of a portable device in a wire/wireless telephone, said apparatus comprising:

A detector means for detecting electric field strength of a ring receiving generation control signal when the ring receiving generation control signal is received from a fixed device after a ring signal is received (figure 1, paragraph 0020, ring control signal is generated by the user input to initiate a page to the remote handset, paragraphs 0028-0029, handset (109) includes a page adjusting mechanism that can receive and measure a signal from base unit (109)),

Distance measurer means for measuring distanced to the fixed device by using the electric field strength detected by the detector means (paragraph 0022, signal strength is correlated with the distance between the base and handset unit and paragraphs 0025 and 0030, handset (109) measures the strength of the particular signal),

Controller means for comparing the distance measured by the distance measurer means to preset reference distance and for controlling generation of a melody sound for a received ring according to a comparison result (paragraph 0021, processor (117) of the handset adjusts the signal provided to alerting mechanism based on a condition, paragraphs 0026 and 0027, estimate the distance between base unit and the handset, a measure of a condition and the alerting signal is adjusted).

As to claim 2, Cannon teaches the apparatus of claim 1 wherein the distance measurer means includes a comparator for comparing the electric field strength

detected by the detector means to preset electric field strength values (paragraph 0030 and 0028, handset measures strength of the particular signal with comparison to a value in a register to adjust the alert).

As to claims 3 and 4, Cannon teaches the apparatus of claim 2 further comprising storage means for storing the preset electric field strength values and distance values corresponding to the electric field strength values (paragraphs 0026 and 0028, general use of a register to hold data for processor manipulation of the adjusting mechanism).

As to claim 5, Cannon teaches the apparatus of claim 1 further comprising display means for displaying a ring receiving message corresponding to a receiving message generation signal generated in the controller means regardless of the measured distance measured by the distance measurer (paragraphs 0018 and 0019, a display to indicate call activity is inherent to typical devices employed for the call function).

Allowable Subject Matter

Claims 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 7-23 are allowed.

As to claim 7, the prior art made of record failed to teach an apparatus for processing a calling tone of a portable device in a wire/wireless telephone comprising a key input means for supplying a key input signal to select one of an automatic mode and a manual mode, and detector means for detecting electric field strength of a ring receiving generation control signal when the ring receiving generation control signal is received from a fixed device after the automatic mode is set by the key input unit means and a ring is received.

As to claims 13, 17, 18 and 20, the prior art made of record failed to teach an apparatus for processing a calling tone of a wire/wireless telephone wherein the portable device disables generation of the calling tone when the measured distance is less than a preset reference distance.

Conclusion

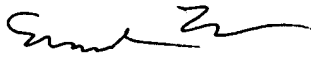
The prior art made of record and not relied upon but considered pertinent to applicant's disclosure includes: Swan et al. (US 6,134,320), Yasuda et al. (US 5,995,852), Stuart (US 5,651,051), Connor (US 2004/0203353), Oleksy (US 2003/0013495) and Seligmann (US 2004/0066932).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blane J. Jackson whose telephone number is (571) 272-7890. The examiner can normally be reached on Monday through Friday, 9:00 AM-6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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